

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LAVELLE SEARCY,

Plaintiff,

v.

Case No. 10-11242
Honorable Denise Page Hood

COUNTY OF MACOMB,

Defendant.

**ORDER DENYING MOTION FOR EXTENSION OF TIME TO FILE
OBJECTIONS TO REPORT AND RECOMMENDATION,
ACCEPTING REPORT AND RECOMMENDATION,
DENYING DEFENDANT'S MOTION TO DISMISS,
and
DENYING AS MOOT PLAINTIFF'S MOTION FOR RELIEF**

This matter is before the Court on Plaintiff's Motion for Extension of Time to File Response/Objections to a Report and Recommendation seeking an extension of 45 to 60 days to file Objections. The Court denies the motion since the Court agrees with the Report and Recommendation and extending the time to file Objections unnecessarily delays this matter further. It is noted that the Magistrate Judge essentially ruled in Plaintiff's favor by recommending the Court deny Defendant's Motion to Dismiss. Because Plaintiff filed a Motion to Extend the time to File Objections, the Court finds Plaintiff has not waived his right to file objections. The

Court addresses the merits of the Report and Recommendation below.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court “shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made.” 28 U.S.C. § 636(B)(1)(c). The Court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate.” *Id.* In order to preserve the right to appeal the Magistrate Judge’s recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

After review of the Magistrate Judge’s Report and Recommendation, the Court finds that her findings and conclusions are correct in that the law of the case doctrine is invoked. The Court agrees with the Magistrate Judge that prior decisions in this litigation have found that Plaintiff has pled sufficient facts to state a claim for municipal liability against the only remaining Defendant Macomb County. Defendant has since filed an Answer in this matter and a Scheduling Order has been issued

relating to discovery as to the claims against the newly-added and only remaining Defendant Macomb County.

Accordingly,

IT IS ORDERED that Magistrate Judge Elizabeth A. Stafford's Report and Recommendation (**No. 261**) is ACCEPTED and ADOPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Plaintiff's Motion to Grant Relief (**No. 247**) is DENIED as MOOT.

IT IS FURTHER ORDERED that Defendant County of Macomb's Motion to Dismiss (**No. 254**) is DENIED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Enlargement of Time to File Objections to Report and Recommendation (**No. 264**) is DENIED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: March 20, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 20, 2015, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry
Case Manager